

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

N'GAI GEORGE, EDWARD CAMUS,  
RONALD STILLMAN, ROBERT  
ZELINSKY, JEFF LOUGHNER, OMAR  
MORRISON, ANTHONY WILLIAMS,  
RAYMOND YACOUBY, JEFFREY  
CIOTTI, CHRISTOPHER PRICE, VISHAL  
SHARMA, KRYSTAL FLORIO, ELMINIO  
SOTO, JANET LENTZ, CHRISTOPHER  
PLATH, DANIEL WILLIAMS, STEPHEN  
ROSS and RYAN SCHLENKER  
individually and on behalf of all other  
persons similarly situated,

Plaintiffs,

v.

STAPLES, INC.,

Defendant.

Civil Action No. 2:08-cv-5746 (KSH) (PS)  
MDL 2025

Jury Trial Demanded

**NOTICE OF JOINT MOTION FOR PRELIMINARY APPROVAL**

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PLEASE TAKE NOTICE that on March 1, 2010, or as soon thereafter as  
counsel may be heard before the Honorable Katherine Hayden, or whomever may be  
sitting in her stead, in the United States District Court for the District of New Jersey,

Newark Vicinage, Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Room 4015 Newark, New Jersey 07101, the undersigned counsel for Plaintiffs shall move, pursuant to § 16(b) of the Fair Labor Standards Act (“FLSA”) and Rule 23 of the Federal Rules of Civil Procedure, for an order:

- 1) granting preliminary approval of the proposed Settlement;
- 2) preliminarily certifying, for settlement purposes only and pursuant to the terms of the Settlement Agreement between the parties, the proposed collective class pursuant to Section 16(b) of the FLSA and proposed state law class pursuant to Rule 23 of the Federal Rules of Civil Procedure, as described in the Consolidated Amended Collective/Class Action Complaint, all for the purposes of providing notice to the members of the proposed Settlement Classes;
- 3) approving the form and content of and directing the distribution of the proposed notices, claim forms and consents to join and release, annexed to the Declaration of Seth R. Lesser in Support of the Joint Motion for Preliminary Approval, as Exhibits A(1) – A(6), respectively;
- 4) appointing the law firms representing the plaintiffs named in the Consolidated Amended Collective/Class Action Complaint<sup>1</sup> and in the Settlement Agreement between the parties as Settlement Class Counsel;
- 5) appointing the plaintiffs named in the Consolidated Amended Collective/Class Action Complaint as Settlement Class Representatives;
- 6) appointing Rust Consulting, Inc. as Claims Administrator;
- 7) pursuant to 28 U.S.C. § 1651(a), enjoining all members of the proposed Settlement Classes from initiating or proceeding with any and all suits, actions, causes of action, claims, or demands in federal or state court based on putative violations of the FLSA or any state or local law (including statutory, regulatory, and common law) pertaining to hours of work or payment of wages, including without limitation all claims that were asserted or could have been asserted in the actions consolidated in the MDL proceeding, by or on behalf of Assistant Managers who worked for Staples within the applicable proposed Class Periods through the date of dismissal of the following lawsuits:

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<sup>1</sup> In conjunction with and as a part of this proposed Settlement, the parties have agreed to and have filed, pursuant to Fed. R. Civ. P. 15(a)(2), a Consolidated Amended Collective/Class Action Complaint in the action titled, *George v. Staples, Inc.*, 08-5746 (KSH).

*In re: Staples, Inc., Employment Practices Wage & Hour Litigation*, MDL 2025

*Stillman v. Staples, Inc.*, 07-cv-849 (D.N.J.) (“*Stillman*”)

*Yacouby v. Staples, Inc.*, 08-1302 (Sup. Ct., Mass)

*Ciotti v. Staples, Inc.*, 08-cv-11305 (D. Mass.)

*Florio v. Staples, Inc.*, 09-cv-1157 (D. N.J.)

*George, McNeil, Camus v. Staples, Inc.*, 08-cv-02391 (E.D.N.Y.); 08-cv-05746 (D. N.J.) (“*George*”)

*Lentz v. Staples, Inc.*, 09-cv-192 (S.D. Ohio)

*Morrison, Williams, v. Staples, Inc.*, 08-cv-616 (D. Conn.)

*Plath v. Staples, Inc.*, 09-cv-2898 (N.D. Ill.)

*Price v. Staples, Inc.*, 09-cv-10008 (D. Mass)

*Sharma v. Staples, Inc.*, 08-cv-3932 (E.D.N.Y.)

*Soto v. Staples, Inc.*, 09-cv-703 (D. Md.)

*Zelinsky, Loughner v. Staples, Inc.*, 08-cv-684 (W.D. Pa.); and

*Ross, Schlenker v. Staples, Inc.*, 09-cv-89-BU-SHE (D. Mont.); and

- 8) setting the final fairness hearing for a date no earlier than one hundred eighty (180) days from the date of this motion, at the District New Jersey, Newark Vicinage.

PLEASE TAKE FURTHER NOTICE that Plaintiffs will rely on the supporting memorandum and declaration submitted in support of this motion and all proceedings heretofore had in this proceeding. A proposed order accompanies this motion.

Dated: February 5, 2010

Respectfully submitted,

s/ Seth Lesser

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Seth Lesser

Fran Rudich

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